

7181. Misbranding of grapes. U. S. * * * v. Fruit Growers and Shippers Union, a corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 9965. I. S. Nos. 6387-r, 6388-r.)

On July 18, 1919, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fruit Growers and Shippers Union, a corporation, Nauvoo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 17, 1918 (2 shipments), from the State of Illinois into the State of Missouri, of a quantity of grapes which were misbranded. In one of the shipments the baskets were labeled in part, "Not less than 5½ lbs. net."

Examination of samples of the article in one of the shipments showed that none of the baskets bore statements as to the quantity of the contents thereof. The average shortage in net weight of the baskets in the other shipment was 10.6 per cent of the declared weight.

Misbranding of the article in each shipment was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the article in one of the shipments was alleged for the further reason that the statement, to wit, "5½ lbs. net," borne on the baskets containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said baskets contained 5½ pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said baskets contained 5½ pounds of the article, whereas, in truth and in fact, said baskets did not contain 5½ pounds of the article, but contained a less amount.

On September 9, 1919, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

E. D. BALL, Acting Secretary of Agriculture.

7182. Misbranding of tomatoes. U. S. * * * v. Wade H. Insley and Edward D. Mitchell (Insley & Mitchell). Pleas of guilty. Fine, \$30 and costs. (F. & D. No. 9970. I. S. Nos. 15191-p, 19227-p.)

On August 14, 1919, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wade H. Insley and Edward D. Mitchell, a partnership, trading as Insley & Mitchell, Salisbury, Md., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 24, 1917, from the State of Maryland into the State of Iowa, of a quantity of an article, labeled in part "Green Hill Brand Tomatoes Packed by Insley & Mitchell Co., Salisbury, Md., Contents 6 pounds 7 ounces," which was misbranded.

Examination of samples of the article by the Bureau of Chemistry of this department showed the product to be short weight.

Misbranding of the article in each shipment was alleged in the information for the reason that the statement, to wit, "Contents 6 Pounds 7 Ounces," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that each of said cans contained 6 pounds and 7 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 6 pounds and 7 ounces of the article, whereas, in truth and in fact, each of said cans did not contain 6 pounds and 7 ounces of the article, but contained a less amount. Mis-